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EXAMINER

KORNAKOV, MICHAIL

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

1746

DATE MAILED: 12/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/915,242

Applicant(s)

LOCASCIO ET AL.

Examiner

Michael Kornakov

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) 26-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-25 in Paper No. 7 is acknowledged. Claims 26-45 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 5²⁴ are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- The recited in claim 1 on lines 7-8 "a pump mechanically connected to supplied by said water source..." constitutes an indefinite subject matter as per metes and bounds of such are not readily ascertainable. Clarifications and/or correction are required. For examination purposes it is assumed that the recited pump is connected to the water source.
- The recited in claim 1 on line 10 "a vehicle wash structure supplied by said pump..." constitutes an indefinite subject matter as per metes and bounds of such are not readily ascertainable. Clarifications and/or correction are required.

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- The recited in claim 5 on line 26 term "a vacuum" constitutes an indefinite subject matter, because it is not clear which structural element(s) of the claimed apparatus is indicated. It is also not clear, whether the recited "vacuum" indicates the source of vacuum, such as pump, which is installed inside the trailer or the source of vacuum, which is generated outside of the trailer. Clarification is required.
- The recited in claim 24 "...attachment areas wash support equipment shelving" is not readily ascertainable. Clarifications and/or correction are required.
- Claims 2-4, 6-23 and 25 are rejected because of their dependency and failure to remove ambiguity of the parent claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Jackson (U.S. 3,567,342).

Jackson teaches a self contained mobile cleaning unit for high pressure spray cleaning of automobiles. The cleaning unit of Jackson includes van type motor vehicle or track with fully enclosed carrying portion (col.1, lines 29-32; paragraph, bridging col.2

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and 3,); water storage tank, contained within the track (col.3, lines 11); pump units, located within the track and connected to the water storage tank (col. 3, line 13; Fig 2); a spray nozzle gun with the flexible hose, as cleaning means (reads on "a vehicle wash structure", as instantly claimed), which are supplied with cleaning fluid by pump units and require connecting to fluid outlet ("assembling", as instantly claimed) for use as a vehicle wash outside of track, and are disconnected while not in use (col. 5, lines 54-56; col.4, lines 54); a remote control receptacle (col.5, lines 22-23).

Therefore, all the limitations of instant claims are met by Jackson.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

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the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson (U.S. 3,567,342) in view of Powers (U.S. 5,936,531).

While providing an enclosed cleaning unit wherein electrically driven equipment, including resistance heaters, is connected to the source of power through the control panel, Jackson remains silent about the use of a heat sensor for interrupting the supply of electrical power. However, such sensors are commonly utilized for preventing hazardous situations inside the enclosed areas due to their overheating, as indicated, for example, by Powers.

Powers teaches that heat sensor is positioned in cabinet and detects the rise in temperature within cabinet. Heat sensor is preset to normal temperature conditions within cabinet. In operation, heat sensor detects the rise in the temperature within cabinet above the preset normal temperature conditions. In response to detecting the presence of rising temperature, heat sensor delivers a signal to a signal to breaker for cutting off main power supply (paragraph, bridging col.5 and 6).

Because Jackson provides an enclosed unit with variety of electrically driven equipment, which can overheat the enclosed area and Powers teaches the use of heat

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sensor in order to control such overheating, one skilled in the art, motivated by the teaching of Powers, would have found it obvious to utilize the heat sensor of Powers in order to prevent overheating and thus to eliminate the hazardous situation inside the cleaning unit of Jackson.

10. Claims 1, 3, 6, 7, 8, 10, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurz et al (U.S. 5,911,230) in view of Shaffer (U.S. 4,213,796).

Kurz teaches a mobile treatment apparatus for washing/cleaning an article, for example, a vehicle. The apparatus of Kurz comprises a treatment device (reads on "a vehicle wash structure", as instantly claimed), which is disassembled while loaded onto the trailer for compact transportation and is assembled outside the trailer for vehicle wash. The treatment apparatus of Kurz constitutes **conventional** washing installations, including devices for supplying individual treatment agents, such as **water**, cleaning chemicals, conservation agents or drying air, **which can be arranged on the trailer** and therefore, the limitation "water source within the trailer", as per the instant claim 1, is met by Kurz. The flexible hose lines are provided for connections between the treatment device and trailer (See Abstract, col.2, lines 29-35; col.3, lines 51-52; col.5, lines 37-40; col.7, line 19, lines 48-56, Fig. 1, 2).

Kurz does not specifically name the structural elements (washing installations) of his mobile apparatus, such as a water pump, a power generator with an independent source of power, a power wash generator and a hand-held sprayer. However, these elements are conventionally utilized in mobile treatment apparatuses for vehicle

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washing/cleaning. Kurz also motivates the skilled artisan to utilize such conventional equipment by indicating that his mobile apparatus is equipped with drying fan (col.3, lines 62-63) and variety of spray nozzles for applying treatment agents (col.7, lines 15-17).

Shaffer indicates that mobile systems for washing vehicles are conventionally adapted to carrying own water, cleaning and treating compounds, and the like, as well as power to produce a high pressure spray even with long hose lengths that are often necessary when large structures are being cleaned, one or more spray hoses with remote applicators and control valves; in particular, relatively high pressures are attainable with positive displacement **pumps** carried by the mobile unit, **the water can be heated**, and correct proportions of various cleaning o treating agents can be conveniently added during application (col.1, lines 16-27; col.3, lines 13-26).

Therefore, one skilled in the art motivated by the teaching of Kurz and Shaffer would have found it obvious to utilize the conventional equipment of Shaffer, such as water pump, electromechanical valve control system, power generator in order to secure the proper operation of cleaning nozzles and fan in the mobile treatment apparatus of Kurz. One skilled in the art, motivated by the teaching of Shaffer would also have found it obvious to employ water heater in the treatment apparatus of Kurz in order to increase its effectiveness and to utilize the remote spray gun system of Shaffer, supported by power wash generator in order to provide cleaning of areas, which are not accessible to the treatment device of Kurtz.

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11. Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurz et al (U.S. 5,911,230) in view of Shaffer (U.S. 4,213,796) and in further view of Pulliam (U.S. 4,279,263).

While providing a treatment device with corners, the combined teaching of Kurz and Shaffer remains silent about corner pieces attachments for a covering canvass.

Pulliam teaches apparatus for cleaning wheeled vehicles, which is portable and collapsible into a compact form for transportation or storage (col.1, lines 4-10, 26). In order to prevent inadvertent dropping and overspray of cleaning materials Pulliam provides flexible sheet like members constructed of canvas, which form temporary enclosure during the cleaning operation. Pulliam also provides means via which the flexible sheeting can **slide** (col.3, lines 21- 37).

Because both, the combined teaching of Kurz and Shaffer and Pulliam are disclose mobile cleaning apparatuses for wheeled vehicles, wherein pressurized cleaning fluids are utilized and Pulliam indicates restricted by law spreading of such fluids onto surroundings (col.1, lines 13-25) and provides flexible sheet like members constructed of canvas, which protect surrounding areas from spreading, one skilled in the art motivated by teaching of Pulliam at the time the invention was made would have found it obvious to provide attachment areas/fixtures in order for attaching flexible sheet like canvas of Pulliam to the corners of treatment device of Kurz and Shaffer in order to avoid the spreading of cleaning fluids outside of the enclosed cleaning area during the cleaning/washing of vehicles, utilizing the treatment device of Kurz and Shaffer.

12. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over combined teaching of Kurz and Shaffer in view of Pulliam and in further view of DeMonte et al (U.S. 5,924,759).

While providing a treatment device with attachment areas/fixtures on its corners, the combined teaching of Kurz, Shaffer and Pulliam remains silent about a guide mechanism, wherein said mechanism allows roller operation of end canvass closures. However, such mechanisms are conventionally utilized in retractable enclosure systems in order to properly align the flexible sheet members, which is indicated by DeMonte (paragraph, bridging col.8 and 9; col.10, lines 48-65; claims 4 and 16).

Therefore, one skilled in the art, motivated by the teaching of DeMonte, would have found it obvious to utilize the guided mechanism with roller operation of DeMonte in order to properly align the canvass members, thus avoiding the spreading of cleaning fluids outside of the enclosed cleaning area in the teaching of Kurz, Shaffer and Pulliam and thus to arrive at the limitation as instantly claimed.

13. Claims 5, 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over combined teaching of Kurz and Shaffer in view of Pulliam (U.S. 4,279,263) and in further view of Latimer (U.S. 5,423,339).

The combined teaching of Kurz and Shaffer does not specifically emphasize the waste water collector tank and a plurality of filters for recycling the waste water, drawn from the waste water tank.

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Pulliam teaches apparatus for cleaning wheeled vehicles and raises the problem of recycling the utilized cleaning fluids by stating that local ordinances restrict the disposal of cleaning materials either fluid or solid, and forbid their being emptied into drainage or sewage facilities. These restrictions apply in many cases, even to the disposal of such seemingly innocuous cleaning substances as detergents. For example, there are Federal regulations prohibiting open disposal of materials having a pH lying without the range 6-9.5 (col.1, lines 15-25).

Latimer provides an apparatus for collecting the used wash water from pavement or wash pad for subsequent recycling or disposal in an environmentally safe manner. The apparatus of Latimer comprises waste water removal means, which include vacuum pump and flexible conduit, water recycler for collecting and filtering the used wash water before disposing (Fig. 13, col.3, lines 52-62; col.4, lines 3-17).

Because Kurtz and Shaffer disclose vehicle cleaning apparatus, capable of providing different cleaning fluids, Pulliam raises the problem of recycling the cleaning fluids and Latimer provides an apparatus for collecting the used wash water for subsequent recycling or disposal in an environmentally safe manner, one skilled in the art, motivated by the teaching of Pulliam and disclosure of Latimer, would have found it obvious to install the recycling means of Latimer in the mobile treatment apparatus and treatment device of Kurtz and Shaffer in order to decrease the consumption of fresh water and operate the apparatus of Kurtz and Shaffer in an environmentally safe manner.

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In specific regard to the limitation of claim 16, which is concerned with 3 microns filter size, it is noticed here, that such filters are conventionally utilized for filtering waste water, which is evidenced by JP63-205113 (See Abstract).

Allowable Subject Matter

14. Claims 9, 12, 13, 18-21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
15. The following is a statement of reasons for the indication of allowable subject matter: non of the prior art references, which has been located as of the date of this Office Action, anticipates or suggests fairly the combination of structural limitations as recited in the instant claims 9,12,13 and 18-21.
16. Applicant should note that additional prior art cited in PTOL-892 shows the general state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Kornakov whose telephone number is (703) 305-0400. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (703) 308-4333. The fax phone

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number for the organization where this application or proceeding is assigned is (703)

872 9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308

2450.

M. Kornakov

12/05/03

Michael Kornakov
Examiner
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